

TO: CRWQCB
SF Bay Region
RE: TENTATIVE ORDER NO. R2-2009-00XX

March 3, 2009

Comments on C.6.Construction Site Control are based on actual observations in unincorporated Alameda County Fairview Area. The changes in this Construction section are necessary based on what I have seen in Alameda County unincorporated areas.

The County's leadership appears to have nurtured a culture that rejects its responsibility as permittee to implement intent of the Clean Water Act and other regulations on construction sites. They demonstrate inability or lack of commitment to require BMP's in the field even on Public Works projects. There must be some mechanism put in place by the Board to ensure that permittee's actually "DO" what is required under the permit and meet the intent of the law.

I have reviewed Annual Reports to the Board from Alameda County Unincorporated areas and find that they focus mostly on illicit discharge. There is NO reporting on what occurs on active construction sites during the rainy season and particularly during storm events.

It seems that in the case of Alameda County Unincorporated Areas, a more specific and detailed oversight is required and I think this new Order moves in that direction.

C.6.b ERP

The Order should include requirement for mechanism that triggers a staff response during storm events to minimize active sediment runoff and erosion and assess effectiveness of measures put in place.

C.6.c

All construction sites should have assigned staff with BMP training. Perhaps permittee could offer training and a certification program for contractor site personnel and mandate on all sites.

C.6.e

It is critical that inspections of sites occur frequently to confirm implementation in the field of what permittee has approved in plan submittals. Requiring tracking and reporting of this activity would help to prove it is occurring.

In general, erosion and sedimentation events occur most often and more intensely during the "rainy season". Wet season or "rainy season" work should not be done unless there is no alternative and it is proven without doubt that there would be no risk of sediment/erosion event. This emphasizes the importance of frequent site inspections, especially when storm events happen or are likely to happen.

C.6.f

Staff training should be mandatory. Reports on staff training should include names so that no one staff member can consistently avoid training. A report as to percent of staff in attendance does not address this.

My review of 06-07 & 07-08 Annual Reports from Alameda County Unincorporated Areas had no reference to any training of staff in BMP's, only Hazwopper FRA & FRO

We have observed many violations of the Clean Water Act in Unincorporated Alameda County over the years. Some of these violations have resulted in tons of sediment entering the storm drain and creek systems. It has been frustrating to watch pollution of our water resources when these violations could be prevented. Citizens can accomplish little in protecting these resources if the responsible agency does not take prevention seriously.

We feel that careful assessment of every construction site followed by development and implementation of effective erosion/sedimentation prevention is critical. The only way to assure that these measures are effective is to have mandatory regular inspections on construction sites (increased site inspections during storm events) and to report what actions has been taken when measures are found to be ineffective. This is vital if we are to meet the intent of the Clean Water Act.

Sincerely,

Michael J. Preston
Terry Preston

A handwritten signature in cursive script that reads "Terry Preston".

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